

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	
	)	
B. Reilly Barry et al.	)	Group Art Unit: 3621
	)	
Serial No.: 09/159,503	)	Examiner: C. Hewitt II
	)	
Filed: September 24, 1998	)	
	)	
For: INTEGRATED BUSINESS SYSTEM FOR	)	
WEB BASED TELECOMMUNICATIONS	)	
MANAGEMENT	)	

**APPEAL BRIEF**

U.S. Patent and Trademark Office  
Customer Window, Mail Stop Appeal Brief – Patents  
Randolph Building  
401 Dulany Street  
Alexandria, Virginia 22314

Sir:

This Appeal Brief is submitted in response to the Final Office Action mailed October 5, 2007 and in support of the Notice of Appeal filed December 12, 2007.

I. **REAL PARTY IN INTEREST**

The real party in interest of the present application, solely for purposes of identifying and avoiding potential conflicts of interest by board members due to working in matters in which the member has a financial interest, is Verizon, Inc. and its subsidiary companies.

II. RELATED APPEALS AND INTERFERENCES

Appellants are unaware of any related appeals, interferences or judicial proceedings.

III. STATUS OF CLAIMS

Claims 97-115 have been rejected. Claims 1-96 were previously canceled without prejudice or disclaimer. Claims 97-115 are the subject of the present appeal.

IV. STATUS OF AMENDMENTS

No Amendment has been filed subsequent to the Final Office Action mailed October 5, 2007.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

Each of the independent claims involved in this appeal is recited below, followed in parenthesis by examples of where support can be found in the specification and drawings for the claimed subject matter. In addition, each dependent claim argued separately below is also summarized in a similar manner.

Claim 97 recites: An integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view results of any changes in the customer's connections over the public Internet (e.g., Fig. 2; page 9, line 8 to page 12, line 4), said system comprising: an object oriented

protocol for enabling encrypted interactive communications between said system and said customer over the public Internet (e.g., page 29, line 23 to page 30, line 12), said protocol invoked within a web browser executed by a workstation associated with the customer to support encryption, customer identification, authentication and network entitlements (e.g., Fig. 2, 20; page 30, line 20 to page 31, line 29; page 32, lines 11-26); at least one secure web server for managing secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption (e.g., Fig. 2, Web server(s) 24; page 32, lines 11-26); and at least one dispatch server for communicating with said secure web server and a plurality of system resources (e.g., Fig. 2; dispatch server 26), said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified (e.g., page 32, lines 20-26; page 34, lines 4-25); said plurality of system resources including a network manager which manages routing of the customer's traffic over the communications network (e.g., Fig. 2; toll free network manager (TFNM) server 37; page 35, lines 30-31), and a view application to review network traffic (e.g., Fig. 2, Traffic View Server 34; page 35, lines 24-26), said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer (e.g., page 8, lines 23-27; page 36, lines 20-31; page 52, lines 9-22).

Claim 98 recites: The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said switched voice traffic resources include

switched toll free voice traffic resources and said network manager includes a toll free network manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched toll free voice traffic (e.g., Fig. 2, TFNM server 37; Fig. 26, TFNM server 850; page 35, lines 30-31; page 170, lines 1-25).

Claim 99 recites: The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said switched voice traffic resources include switched call center voice traffic resources and said network manager includes a call manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched voice traffic between call centers (e.g., Fig. 40, 1100; page 292, line 1 to page 294, line 9).

Claim 100 recites: The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said network manager includes an outbound network manager responsive to proxy requests from said dispatch server to enable the customer to command and control switched toll traffic (e.g., Fig. 28, outbound network manager (ONM) server 2750, page 197, line 5 to page 199, line 4).

Claim 110 recites: An integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to modify the customer's switched voice communications connections within the network over the public Internet and to monitor results in near real time over the public Internet (e.g., Fig. 2; page 9, line

8 to page 12, line 4), said system comprising: an object oriented protocol for enabling encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within a web browser executed by a workstation associated with the customer to support customer identification, authentication and network entitlements (e.g., Fig. 2, 20; page 30, line 20 to page 31, line 29; page 32, lines 11-26); at least one secure web server for managing secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption (e.g., Fig. 2, Web server(s) 24; page 32, lines 11-26); and at least one dispatch server for communicating with said secure web server and a plurality of system resources (e.g., Fig. 2; dispatch server 26), said dispatch server providing verification of system access and proxy generation for said interactive communications after said customer's entitlements have been verified (e.g., page 32, lines 20-26; page 34, lines 4-25); and said plurality of system resources including a toll free network manager which manages routing of the customer's toll free voice traffic over the communications network (e.g., Fig. 2; toll free network manager (TFNM) server 37; page 35, lines 30-31), and a real time monitor which provides near real time monitoring of network traffic (e.g., Fig. 2, Traffic View Server 34; Fig. 18, Traffic View Server 550; page 35, lines 24-26; and page 121, lines 17 to page 123, line 27), said toll free network manager and said real time monitor responsive to proxy requests from said dispatch server to enable the customer to manage the communications network resources provided by the enterprise to the customer in near real time (e.g., page 52, lines 9-22; page 124, line 1 to page 127, line 16).

Claim 111 recites: The integrated and secure system for conducting business over the public Internet as claimed in claim 110, wherein said system further includes a single order entry application as one of said plurality of system resources (Fig. 2, Star Order Entry (StarOE) server 39; page 52, line 23 to page 53, line 10), wherein said order entry application enables a customer to identify and authenticate a plurality of users with distinct toll free call manager entitlements, and to modify said entitlements from a single point of customer identification and authentication (page 53, lines 13-24).

Claim 115 recites: An integrated and secure method for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view results of any changes in the customer's connections over the public Internet, said method comprising: providing an object oriented protocol to enable encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within a web browser executed by a workstation associated with the customer to support encryption, customer identification, authentication and network entitlements (e.g., Fig. 2, 20; page 30, line 20 to page 31, line 29; page 32, lines 11-26); providing at least one secure web server to manage secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption (e.g., Fig. 2, Web server(s) 24; page 32, lines 11-26); providing at least one dispatch server to communicate with said secure web server and a plurality of system resources (e.g., Fig. 2, dispatch server 26), said dispatch server

providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified (e.g., page 32, lines 20-26; page 34, lines 4-25); and providing said plurality of system resources, said system resources including a network manager which manages routing of the customer's switched voice traffic and switched data traffic over the communications network (e.g., Fig. 2; toll free network manager (TFNM) server 37; page 35, lines 30-31), and a view application to review network traffic (e.g., Fig. 2, Traffic View Server 34; page 35, lines 24-26), said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control the communications network resources provided by the enterprise to the customer (e.g., Fig. 2, TFNM server 37; Fig. 26, TFNM server 850; page 35, lines 30-31; page 170, lines 1-25).

## VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Claims 97-115 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohn et al. (U.S. Patent No. 6,411,684; hereinafter Cohn) in view of Archer (U.S. Patent No. 6,683,870).

## VII. ARGUMENT

### **Rejection under 35 U.S.C. § 103 based on Cohn and Archer**

#### 1. Claims 97 and 101-109

The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention always rests upon the Examiner. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In rejecting a claim under 35 U.S.C. § 103, the Examiner must provide a factual

basis to support the conclusion of obviousness. In re Warner, 379 F.2d 1011, 154 USPQ 173 (CCPA 1967). Based upon the objective evidence of record, the Examiner is required to make the factual inquiries mandated by Graham v. John Deere Co., 86 S.Ct. 684, 383 U.S. 1, 148 USPQ 459 (1966). The Examiner is also required to explain how and why one having ordinary skill in the art would have been realistically motivated to modify an applied reference and/or combine applied references to arrive at the claimed invention. Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 5 USPQ2d 1434 (Fed. Cir. 1988).

With these principles in mind, claim 97 recites an integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view results of any changes in the customer's connections over the public Internet. Claim 97 recites that the system comprises, among other things, at least one secure web server and at least one dispatch server.

Claim 97 further recites that the at least one dispatch server is for communicating with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified; and said plurality of system resources including a network manager which manages routing of the customer's traffic over the communications network, and a view application to review network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer.



As to claim 97, the Final Office Action states that Cohn discloses communicating between an information provider and a dispatch server and points to item 39 in Fig. 13 as being equivalent to a web server and item 165 in Fig. 13 as being equivalent to a dispatch server and points to col. 7, lines 58-67 and col. 24, lines 24-35 for support (Final Office Action – page 5). The Final Office Action further states that Archer discloses connecting a web server and a dispatch server via a packet switched network such as the Internet and points to col. 2, line 52 to col. 3, line 10, col. 6, lines 18-36 and 50-53, col. 8, line 61 to col. 9, line 9, col. 10, lines 1-20, col. 6, lines 10-30, col. 7, lines 22-42 and col. 10, lines 28-35 for support (Final Office Action – page 5). The Final Office Action further states that Archer inherently discloses object oriented protocols (Final Office Action – page 5).

Appellants note that the Final Office Action has not addressed all of the features of claim 97. For example, the Final Office Action has not alleged that either Cohn or Archer disclose at least one dispatch server for communication with a secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified, where the plurality of system resources include a network manager which manages routing of the customer's traffic over the communications network, and a view application to review network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer, as recited in claim 97.

The portions of Cohn relied upon (i.e., col. 7, lines 58-67, col. 24, lines 24-35 and Fig. 13, items 39 and 165) clearly do not disclose these features. For example, Cohn at col. 7, lines

58-67 discloses that network center 37 monitors operations of network 10 and that information providers 39 may provide bulletin board information, mass distributed information services or advertising messages that are distributed to users of system 10. Cohn at col. 24, lines 24-35 refers to Fig. 13 which illustrates that information providers' databases 39 are coupled to external interface 62 and that information provider databases 39 are accessed and updated by information providers 165. These portions of Cohn have not been alleged to disclose and indeed, do not disclose or suggest any of the features associated with the at least one secure web server and at least one dispatch server, recited in claim 97.

Archer is directed to a method and system for multicasting call notifications (Archer – col. 1, lines 12-15). The Final Office Action has not alleged that any portions of Archer disclose or suggest the particularly recited features of claim 97. In addition, Appellants have reviewed the portions of Archer referenced in the Final Office Action at page 5 and note that these portions of Archer, as well as any other portions, do not disclose or suggest any of the features of claim 97. That is, the portions of Archer referenced in the Final Office Action do not disclose or suggest a plurality of system resources including a network manager and a view application to review network traffic, where the network manager and view application are responsive to proxy requests from a dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer, as recited in claim 97. In contrast, Archer merely discloses routing call notifications to a user's phone system.

Therefore, the combination of Cohn and Archer clearly does not disclose or suggest each of the features of claim 97.

In response to similar arguments made in the previous response, the Final Office Action essentially admits that the combination of Cohn and Archer does not disclose the particularly recited features of claim 97 by failing to allege that either Cohn or Archer discloses any of these features. In addition, the Final Office Action states that Appellants have attempted to distinguish the claims by specifying how the apparatus is used (Final Office Action – page 2). The Final Office Action further states that it has been held that “while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function alone” and points to In re Swinehart, 169 USPQ 226 (CCPA 1971) and In re Schreiber, 44 USPQ 2d 1429 (Fed. Cir. 1997) for support (Final Office Action – page 3). Appellants respectfully disagree.

In re Swinehart involved a claim that was directed to a composition of matter made of barium fluoride and calcium fluoride that was transparent to infrared rays (Id. at page 227). In this case, the court noted the practical necessity for the use of functional language in various situations. The court also noted that if claimed subject matter is an inherent characteristic of the prior art, the Patent Office can rely upon this inherency to reject the claim (Id. at page 229). However, In re Swinehart does not stand for the proposition that the Examiner may ignore the functional claim language, which is what has been done with respect to claim 97. That is, the prior art must possess the claimed functionality if the Examiner is to rely on that prior art to reject a claim. In rejecting claim 97, the Examiner has completely ignored the functional language and merely states that the prior art discloses a generic web server and dispatch server that communicates with the web server and a plurality of system resources. Ignoring the specifically recited functional language recited in claim 97 is clearly improper.

In re Schreiber involved a claim for a device that dispensed popped popcorn kernels. The Examiner in this case applied a prior patent for an oil can dispenser which arguably included the claimed functionality associated with dispensing popcorn (Id. at 1430). Thus, this case also does not stand for the proposition that functional claim language may simply be ignored. In contrast, the Examiner must address the functional language and then provide arguments and support for the belief that the claimed functional language is inherently present in the applied art.

With respect to claim 97, the Final Office Action has not addressed the functional claim language and also has not indicated that the recited functions are somehow inherent in either Cohn or Archer, taken singly or in combination. Further, as discussed above, the particularly recited features of claim 97 are clearly not disclosed, either directly or inherently, by the combination of Cohn and Archer. That is, the particularly recited functions associated with the claimed at least one secure web server and at least one dispatch server of claim 97 are clearly not inherent in any general servers, much less the servers of Cohn and Archer.

Therefore, since the Final Office Action has not alleged that either Cohn or Archer, taken singly or in combination, disclose all the features of claim 97 (including those noted above), a prima facie case under 35 U.S.C. § 103 has not been established. In addition, as discussed above, the combination of Cohn and Archer clearly does not disclose or suggest all of the features of claim 97.

Still further, even if, for the sake of argument, the combination of Cohn and Archer could be fairly construed to disclose or suggest all the features of claim 97, Appellants respectfully submit that the alleged motivation to combine these references does not meet the requirements of 35 U.S.C. § 103.

For example, the Final Office Action states that it would have been obvious to combine Cohn and Archer “in order to supply information to a user, such as another user’s IP address” and points to Cohn at col. 24, lines 28-32 and Archer at col. 10, lines 11-14 for support (Final Office Action – page 5). The alleged motivation for combining Cohn and Archer is merely a conclusory statement providing an alleged benefit of the combination. Such motivation does not satisfy the requirements of 35 U.S.C. § 103.

In addition, the portions of Cohn and Archer relied upon as providing motivation for the combination provide no objective support for the combination. For example, Cohn at col. 24, lines 28-32 discloses that information provider databases 39 are accessed and updated by information providers 165 and that these databases 39 can be accessed by users of communications system 10. Archer at col. 10, lines 11-14 discloses that the invention of Archer can utilize the “Finger the ISP” concept in which the ISP runs the finger query to determine a customer’s location and identify a user’s IP address. These portions of Cohn and Archer provide no objective motivation for combining these two references. That is, these portions of Cohn and Archer are totally unrelated to each other and provide no objective motivation for combining the two references.

For at least these reasons, Appellants respectfully submit that the rejection of claim 97 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claims 97 and 101-109 is respectfully requested.

## 2. Claim 98

Claim 98 recites that the switched voice traffic resources include switched toll free voice

traffic resources and said network manager includes a toll free network manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched toll free voice traffic.

The Final Office Action has not addressed these features. Therefore, a prima facie case under 35 U.S.C. § 103 has not been established.

In addition, none of the portions of Cohn and Archer noted in the Final Office Action, or any other portions, disclose a toll free network manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched toll free voice traffic, as required by claim 98. In fact, Cohn does not even mention switched toll free voice traffic. Archer also does not disclose or suggest these features.

For at least these reasons, Appellants respectfully submit that the rejection of claim 98 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claim 98 is respectfully requested.

### 3. Claim 99

Claim 99 recites that the switched voice traffic resources include switched call center voice traffic resources and said network manager includes a call manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched voice traffic between call centers.

The Final Office Action has not addressed these features. Therefore, a prima facie case under 35 U.S.C. § 103 has not been established.

In addition, none of the portions of Cohn and Archer noted in the Final Office Action, or

any other portions, discloses the features of claim 99. For example, Cohn does not even mention call centers, much less a call manager application responsive to proxy requests from said dispatch server to enable the customer to command and control the routing of switched voice traffic between call centers, as required by claim 99. Archer also does not disclose or suggest these features.

For at least these reasons, Appellants respectfully submit that the rejection of claim 99 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claim 99 is respectfully requested.

#### 4. Claim 100

Claim 100 recites that the network manager includes an outbound network manager responsive to proxy requests from said dispatch server to enable the customer to command and control switched toll traffic. The Final Office Action has not addressed these features. Therefore, a prima facie case under 35 U.S.C. § 103 has not been established.

In addition, none of the portions of Cohn and Archer noted in the Final Office Action, or any other portions, discloses or suggests the features of claim 100. For example, Cohn does not mention switched toll traffic, much less a network manager responsive to proxy requests from said dispatch server to enable the customer to command and control switched toll traffic, as required by claim 100. Archer also does not disclose or suggest these features.

For at least these reasons, Appellants respectfully submit that the rejection of claim 100 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claim 100 is respectfully requested.

5. Claims 110, 113 and 114

Claim 110 recites an integrated and secure system for conducting business over the public Internet that includes, among other things, at least one secure web server and at least one dispatch server. Claim 110 specifically recites that the at least one dispatch is for communicating with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said interactive communications after said customer's entitlements have been verified; and said plurality of system resources include a toll free network manager which manages routing of the customer's toll free voice traffic over the communications network, and a real time monitor which provides near real time monitoring of network traffic, said toll free network manager and said real time monitor responsive to proxy requests from said dispatch server to enable the customer to manage the communications network resources provided by the enterprise to the customer in near real time.

Similar to the discussion above with respect to claim 97, the Final Office Action has not addressed these features and merely states that Cohn and Archer disclose a general web server and dispatch server (Final Office Action – page 5). In addition, the Final Office Action has completely ignored the functional features recited in claim 110. As discussed above with respect to claim 97, the functional language in claim 110 may not be ignored. Therefore, since the Final Office Action has not alleged that the combination of Cohn and Archer disclose all the features of claim 110 (including those noted above), a prima facie case under 35 U.S.C. § 103 has not been established.

In addition, for the sake of completeness, Appellants note that the combination of Cohn and Archer clearly does not disclose or suggest all of the features of claim 110. For example,



neither Cohn nor Archer discloses or suggests a plurality of system resources that include a toll free network manager which manages routing of the customer's toll free voice traffic over the communications network, and a real time monitor which provides near real time monitoring of network traffic, much less that the toll free network manager and the real time monitor are responsive to proxy requests from said dispatch server to enable the customer to manage the communications network resources provided by the enterprise to the customer in near real time, as required by claim 110.

For at least these reasons, the combination of Cohn and Archer does not disclose or suggest each of the features of claim 110.

In addition, even if, for the sake of argument, the combination of Cohn and Archer could be fairly construed to disclose or suggest all the features of claim 110, Appellants respectfully submit that the alleged motivation to combine these references does not meet the requirements of 35 U.S.C. § 103 for the reasons discussed above with respect to claim 97.

For at least these reasons, Appellants respectfully submit that the rejection of claim 110 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claims 110, 113 and 114 is respectfully requested.

#### 6. Claims 111 and 112

Claim 111 recites that the system further includes a single order entry application as one of said plurality of system resources, wherein said order entry application enables a customer to identify and authenticate a plurality of users with distinct toll free call manager entitlements, and to modify said entitlements from a single point of customer identification and authentication.

The Final Office Action has not addressed these features. Therefore, a prima facie case under 35 U.S.C. § 103 has not been established.

In addition, the portions of Cohn and Archer noted in the Final Office Action are not at all related to an order entry application, much less an order entry application to enable a customer to identify and authenticate a plurality of users with distinct toll free call manager entitlements, and to modify said entitlements from a single point of customer identification and authentication, as required by claim 111.

For at least these reasons, Appellants respectfully submit that the rejection of claim 111 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claims 111 and 112 is respectfully requested.

#### 7. Claim 115

Claim 115 recites an integrated and secure method for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view results of any changes in the customer's connections over the public Internet. Claim 115 recites that the method comprises, among other things, providing at least one secure web server to manage secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption; providing at least one dispatch server to communicate with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources

after said customer's entitlements have been verified; and providing said plurality of system resources, said system resources including a network manager which manages routing of the customer's switched voice traffic and switched data traffic over the communications network, and a view application to review network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control the communications network resources provided by the enterprise to the customer.

Similar to the discussion above with respect to claim 97, the Final Office Action has not addressed these features and merely states that Cohn and Archer disclose a general web server and dispatch server (Final Office Action – page 5). The Final Office Action states that claim 115 is directed to a method, but recites steps that may or may not be done (Final Office Action – page 3). The Final Office Action further states that language that does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of the claim or claim limitation (Final Office Action – pages 3-4). Appellants respectfully disagree with the Examiner's interpretation of claim 115.

For example, the Examiner is attempting to ignore the specifically recited features of claim 115 by construing the language of claim 115 to somehow indicate that the claimed features may or may not be performed. Such a claim construction with respect to claim 115 is improper.

For example, claim 115 clearly recites, among other things, providing at least one secure web server to manage secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption; providing at least one dispatch server to communicate with said secure web server and a plurality of system resources, said dispatch

server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified; and providing said plurality of system resources, said system resources including a network manager which manages routing of the customer's switched voice traffic and switched data traffic over the communications network, and a view application to review network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control the communications network resources provided by the enterprise to the customer.

Clearly, the features of method claim 115 are not written in a manner that makes the claimed features optional. That is, claim 115 affirmatively recites providing at least one secure web server, providing at least one dispatch server and providing said plurality of system resources, where each of these servers and/or system resources performs the particularly recited functions of claim 115. Therefore, since the Final Office Action has not alleged that the combination of Cohn or Archer disclose all the features of claim 115 (including those noted above), a prima facie case under 35 U.S.C. § 103 has not been established.

In addition, for completeness, Appellants further note that the combination of Cohn and Archer does not disclose or suggest all of the features of claim 115. For example, similar to the discussion above with respect to claim 97, the combination of Cohn and Archer does not disclose or suggest providing at least one secure web server to manage customer sessions as recited in claim 115. The combination of Cohn and Archer also does not disclose or suggest providing at least one dispatch server that provides verification of system access and proxy generation for said system resources after the customer's entitlements have been verified, as recited in claim 115. The combination of Cohn and Archer further does not disclose or suggest providing said plurality

of system resources that include a network manager and a view application, as recited in claim 115, much less that the network manager and view application are responsive to proxy requests from said dispatch server to enable the customer to command and control communications resources provided by the enterprise to the customer, as further required by claim 115.

For at least these reasons, the combination of Cohn and Archer does not disclose or suggest each of the features of claim 115.

In addition, even if, for the sake of argument, the combination of Cohn and Archer could be fairly construed to disclose or suggest all the features of claim 115, Appellants respectfully submit that the alleged motivation to combine these references does not meet the requirements of 35 U.S.C. § 103 for the reasons discussed above with respect to claim 97.

For at least these reasons, Appellants respectfully submit that the rejection of claim 115 under 35 U.S.C. § 103 based on the combination of Cohn and Archer is improper. Accordingly, reversal of the rejection of claim 115 is respectfully requested.

CONCLUSION

In view of the foregoing arguments, Appellants respectfully solicit the Honorable Board to reverse the Examiner's rejection of claims 97-115. In addition, as Appellants' remarks with respect to the Examiner's rejections are sufficient to overcome the rejections, Appellants' silence as to assertions by the Examiner in the Final Office or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art) is not a concession by Appellants that such assertions are accurate or such requirements have been met, and Appellants reserve the right to analyze and dispute such in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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VIII. APPENDIX

97. An integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view results of any changes in the customer's connections over the public Internet, said system comprising:

an object oriented protocol for enabling encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within a web browser executed by a workstation associated with the customer to support encryption, customer identification, authentication and network entitlements;

at least one secure web server for managing secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption; and

at least one dispatch server for communicating with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified;

said plurality of system resources including a network manager which manages routing of the customer's traffic over the communications network, and a view application to review network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control switched voice traffic resources and switched data traffic resources provided by the enterprise to the customer.

98. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said switched voice traffic resources include switched toll free voice traffic resources and said network manager includes a toll free network manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched toll free voice traffic.

99. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said switched voice traffic resources include switched call center voice traffic resources and said network manager includes a call manager application responsive to proxy requests from said dispatch server to enable the customer to command and control routing of switched voice traffic between call centers.

100. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said network manager includes an outbound network manager responsive to proxy requests from said dispatch server to enable the customer to command and control switched toll traffic.

101. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said view application includes a reporter responsive to proxy requests from said dispatch server to enable the customer to generate reports on switched voice communications in said network.



102. The integrated and secure system for conducting business over the public Internet as claimed in claim 101, wherein said reporter for generating reports on the switched voice communications in said network includes a real time reporter for generating reports on network traffic in near real time.

103. The integrated and secure system for conducting business over the public Internet as claimed in claim 101, wherein said reporter for generating reports on the switched voice communications in said network includes a real time reporter for generating reports on outbound network traffic in near real time.

104. The integrated and secure system for conducting business over the public Internet as claimed in claim 101, wherein said reporter for generating reports on the switched voice communications in said network includes a reporter for generating history reports on said switched voice communications occurring during preselected periods of time.

105. The integrated and secure system for conducting business over the public Internet as claimed in claim 101, wherein said reporter for generating reports on the switched voice communications in said network includes a report manager application for enabling a customer to generate reports for a plurality of switched voice communication applications and an in-box manager application for communicating the reports to the customer.

106. The integrated and secure system for conducting business over the public Internet as claimed in claim 101, wherein said reporter for generating reports on the switched voice communications in said network includes a priced call application for enabling a customer to generate priced reports and invoices for a plurality of switched voice communication applications.

107. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said customer's switched communications connections includes switched data traffic connections and said view application includes a broadband view application for generating reports on data relating to switched data traffic.

108. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said system includes an in-box application for storing and forwarding reports to the customer on data relating to the customer's switched voice and data traffic.

109. The integrated and secure system for conducting business over the public Internet as claimed in claim 97, wherein said system includes an event monitor application for storing and forwarding alarms generated with respect to the customer's traffic over the communications network.

110. An integrated and secure system for conducting business over the public Internet by enabling a customer of an enterprise communications network to modify the customer's switched voice communications connections within the network over the public Internet and to monitor results in near real time over the public Internet, said system comprising:

an object oriented protocol for enabling encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within a web browser executed by a workstation associated with the customer to support customer identification, authentication and network entitlements;

at least one secure web server for managing secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption; and

at least one dispatch server for communicating with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said interactive communications after said customer's entitlements have been verified; and

said plurality of system resources including a toll free network manager which manages routing of the customer's toll free voice traffic over the communications network, and a real time monitor which provides near real time monitoring of network traffic, said toll free network manager and said real time monitor responsive to proxy requests from said dispatch server to enable the customer to manage the communications network resources provided by the enterprise to the customer in near real time.

111. The integrated and secure system for conducting business over the public Internet as claimed in claim 110, wherein said system further includes a single order entry application as one of said plurality of system resources, wherein said order entry application enables a customer to identify and authenticate a plurality of users with distinct toll free call manager entitlements, and to modify said entitlements from a single point of customer identification and authentication.

112. The integrated and secure system for conducting business over the public Internet as claimed in claim 111, wherein said system further comprises an E-Billing application which enables electronic business transactions to pay for said services, said order entry and E-Billing applications responsive to proxy requests from said dispatch server to enable the customer to manage and pay for the communications network services provided by the enterprise.

113. The integrated and secure system for conducting business over the public Internet claimed in claim 110, wherein said system further includes a client view application for generating historical reports of data relating to calls on said communications network.

114. The integrated and secure system for conducting business over the public Internet as claimed in claim 110, wherein said system enables invoice generation and electronic payment for pre-selected calls over the public Internet in response to a request from the customer.

115. An integrated and secure method for conducting business over the public Internet by enabling a customer of an enterprise communications network to command and control the customer's switched communications connections within the network over the public Internet and to view results of any changes in the customer's connections over the public Internet, said method comprising:

providing an object oriented protocol to enable encrypted interactive communications between said system and said customer over the public Internet, said protocol invoked within a web browser executed by a workstation associated with the customer to support encryption, customer identification, authentication and network entitlements;

providing at least one secure web server to manage secure customer sessions over the public Internet, said secure server providing session management for the customer, said session management including customer identification, validation, entitlements and encryption;

providing at least one dispatch server to communicate with said secure web server and a plurality of system resources, said dispatch server providing verification of system access and proxy generation for said system resources after said customer's entitlements have been verified; and

providing said plurality of system resources, said system resources including a network manager which manages routing of the customer's switched voice traffic and switched data traffic over the communications network, and a view application to review network traffic, said network manager and said view application responsive to proxy requests from said dispatch server to enable the customer to command and control the communications network resources provided by the enterprise to the customer.

Appeal Brief

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IX. EVIDENCE APPENDIX

None

X. RELATED PROCEEDINGS APPENDIX

None